

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
ANNUITY FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS APPRENTICESHIP,
JOURNEYMAN RETRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS CHARITY
FUND, by their Trustees Michael J. Forde and Paul
O'Brien, and NEW YORK CITY AND VICINITY
CARPENTERS LABOR-MANAGEMENT
CORPORATION,

07-CV-08008 (RJS)

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W
GENERAL CONTRACTOR, INC. and JOHN WHYTE
d/b/a KW CONSTRUCTION, INC., and JOHN
WHYTE, individually,

Defendants.

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AARON GHOLSTON, declares as follows under penalty of perjury pursuant to 28

U.S.C. 1746:

1. I am employed as an assistant supervisor in the Out of Work List
("OWL") Office of the New York City District Council of Carpenters ("District
Council").

2. The Out of Work List is the District Council's hiring hall. Contractors who are signatory to collective bargaining agreements with the District Council ("signatory contractors") may request carpenters from the OWL to work on a particular jobsite.

3. The benefit of using the OWL is only available to signatory contractors. However, the right to request carpenters from the OWL is not absolute. Pursuant to the terms of the various collective bargaining agreements, if a contractor fails to make the required fringe benefit fund contributions, the District Council may place that employer on the "shut-down list." The OWL office may not dispatch carpenters to signatory contractors on the shut down list.

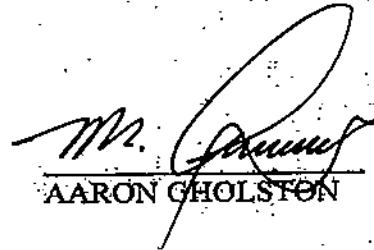
4. Generally, carpenters are dispatched in response to employer requests in the order that their names appear on the OWL. However, under certain circumstances, an employer may request that a specific carpenter be dispatched to a job site, regardless of that carpenter's place on the OWL.

5. Annexed hereto as Exhibit 20 are true and correct copies of the Referral/Dispatch Notices relating to requests for carpenters made by KW Construction Inc. between July 1, 2001, and January 25, 2005. Personal information of individual carpenters has been redacted. The attached Notices have been printed from a computer database that is maintained in the ordinary course of business of the OWL office.

6. The Notices contain a field labeled "Who Called." Listed in this field is the name of the individual who called the OWL Office to request a carpenter. This would normally be either the District Council's business agent who is assigned to the job – in which case the employer would have made its request to business agent – or a

representative of the employer – in which case the employer would have contacted that
OWL Office directly.

Dated: New York, New York
April 30, 2008


AARON CHOLSTON